

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE HOUSE BILL 1291

63rd Legislature
2013 Regular Session

Passed by the House April 18, 2013
Yeas 94 Nays 0

Speaker of the House of Representatives

Passed by the Senate April 15, 2013
Yeas 47 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 1291** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE HOUSE BILL 1291

AS AMENDED BY THE SENATE

Passed Legislature - 2013 Regular Session

State of Washington 63rd Legislature 2013 Regular Session

By House Public Safety (originally sponsored by Representatives Orwall, Kochmar, Hope, Parker, Goodman, Jinkins, Upthegrove, Ryu, Stanford, Roberts, Hurst, Morrell, Tarleton, Wylie, Bergquist, and Ormsby)

READ FIRST TIME 02/19/13.

1 AN ACT Relating to services for victims of the sex trade; amending
2 RCW 43.63A.740, 9.68A.105, 9A.88.120, and 9A.88.140; adding new
3 sections to chapter 43.280 RCW; and creating a new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature recognizes there are many
6 state agencies and private organizations that might be called on to
7 provide services to victims of sex trafficking. Victims of human
8 trafficking are often in need of services such as emergency medical
9 attention, food and shelter, vocational and English language training,
10 mental health counseling, and legal support. The state intends to
11 improve the response of state, local, and private entities to incidents
12 of trafficking of humans. Victims would be better served if there is
13 an established, coordinated system of identifying the needs of sex
14 trafficking victims, training of service delivery agencies and staff,
15 timely and appropriate delivery of services, and better investigations
16 and prosecutions of trafficking.

17 Leadership in providing services to victims of sex trafficking also
18 extends beyond government efforts and is grounded in the work of highly
19 dedicated individuals and community-based groups. Without these

1 efforts the struggle against human trafficking will be very difficult
2 to win. The legislature, therefore, finds that such efforts merit
3 regular public recognition and appreciation. Such recognition and
4 appreciation will encourage the efforts of all persons to end sex
5 trafficking, and provide the public with information and education
6 about the necessity of its involvement in this struggle.

7 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.280 RCW
8 to read as follows:

9 (1) The statewide coordinating committee on sex trafficking is
10 established to address the issues of sex trafficking, to examine the
11 practices of local and regional entities involved in addressing sex
12 trafficking, and to develop a statewide plan to address sex
13 trafficking.

14 (2) The committee is administered by the department of commerce and
15 consists of the following members:

16 (a) Two members of the house of representatives, one from each
17 caucus, and two members of the senate, one from each caucus, to be
18 appointed by the speaker of the house of representatives and the
19 president of the senate, respectively;

20 (b) A representative of the Washington attorney general's office;

21 (c) The president or corporate executive officer of the center for
22 children and youth justice or his or her designee;

23 (d) The secretary of the children's administration or his or her
24 designee;

25 (e) The secretary of the juvenile rehabilitation administration or
26 his or her designee;

27 (f) The superintendent of public instruction or his or her
28 designee;

29 (g) A representative of the administrative office of the courts
30 appointed by the administrative office of the courts;

31 (h) The executive director of the Washington association of
32 sheriffs and police chiefs or his or her designee;

33 (i) The executive director of the Washington state criminal justice
34 training commission or his or her designee;

35 (j) Representatives of community advocacy groups that work to
36 address the issues of human trafficking, to be appointed by the
37 department of commerce's office of crime victims advocacy;

- 1 (k) A representative of the Washington association of prosecuting
2 attorneys appointed by the association;
- 3 (l) Representatives of community service providers that serve
4 victims of human trafficking, to be appointed by the department of
5 commerce's office of crime victims advocacy;
- 6 (m) The executive director of Washington engage or his or her
7 designee;
- 8 (n) A representative from shared hope international or his or her
9 designee;
- 10 (o) The executive director of the Washington coalition of crime
11 victim advocates or his or her designee;
- 12 (p) The executive director of the Washington coalition of sexual
13 assault programs or his or her designee;
- 14 (q) The executive director of the Washington state coalition
15 against domestic violence or his or her designee;
- 16 (r) The executive director of the Washington association of cities
17 or his or her designee;
- 18 (s) The executive director of the Washington association of
19 counties or his or her designee; and
- 20 (t) The director or a representative from the crime victims
21 compensation program.
- 22 (3) The duties of the committee include, but are not limited to:
- 23 (a) Gathering and assessing service practices from diverse sources
24 regarding service demand and delivery;
- 25 (b) Analyzing data regarding the implementation of sex trafficking
26 legislation passed in recent years by the legislature, including
27 reports submitted to the department of commerce pursuant to RCW
28 9.68A.105, 9A.88.120, and 9A.88.140, and assessing the efficacy of such
29 legislation in addressing sex trafficking, as well as any obstacles to
30 the impact of legislation on the commercial sex trade;
- 31 (c) Receiving and reviewing reports, recommendations, and statewide
32 protocols as implemented in the pilot sites selected by the center for
33 children and youth justice regarding commercially sexually exploited
34 youth submitted to the committee by organizations that coordinate local
35 community response practices and regional entities concerned with
36 commercially sexually exploited youth; and
- 37 (d) Gathering and reviewing existing data, research, and literature

1 to help shape a plan of action to address human trafficking in
2 Washington to include:

3 (i) Strategies for Washington to undertake to end sex trafficking;
4 and

5 (ii) Necessary data collection improvements.

6 (4) The committee shall meet twice and, by December 2014, produce
7 a report on its activities, together with a statewide plan to address
8 sex trafficking in Washington, to the governor's office and the
9 legislature.

10 (5) All expenses of the committee shall come from the prostitution
11 prevention and intervention account created in RCW 43.63A.740.

12 (6) The members of the committee shall serve without compensation,
13 but shall be reimbursed for travel expenses as provided in RCW
14 43.03.050 and 43.03.060, within available resources.

15 (7) The committee expires June 30, 2015.

16 **Sec. 3.** RCW 43.63A.740 and 2010 c 289 s 18 are each amended to
17 read as follows:

18 The prostitution prevention and intervention account is created in
19 the state treasury. ~~((All designated receipts from fees under RCW
20 9.68A.105 and 9A.88.120 and fines collected under RCW 9A.88.140 shall
21 be deposited into the account.))~~ Expenditures from the account may be
22 used in the following order of priority:

23 (1) Funding the statewide coordinating committee on sex
24 trafficking;

25 (2) Programs that provide mental health and substance abuse
26 counseling, parenting skills training, housing relief, education, and
27 vocational training for youth who have been diverted for a prostitution
28 or prostitution loitering offense pursuant to RCW 13.40.213;

29 ~~((+2))~~ (3) Funding for services provided to sexually exploited
30 children as defined in RCW 13.32A.030 in secure and semi-secure crisis
31 residential centers with access to staff trained to meet their specific
32 needs;

33 ~~((+3))~~ (4) Funding for services specified in RCW 74.14B.060 and
34 74.14B.070 for sexually exploited children; and

35 ~~((+4))~~ (5) Funding the grant program to enhance prostitution
36 prevention and intervention services under RCW 43.63A.720.

1 **Sec. 4.** RCW 9.68A.105 and 2012 c 134 s 4 are each amended to read
2 as follows:

3 (1)(a) In addition to penalties set forth in RCW 9.68A.100,
4 9.68A.101, and 9.68A.102, a person who is either convicted or given a
5 deferred sentence or a deferred prosecution or who has entered into a
6 statutory or nonstatutory diversion agreement as a result of an arrest
7 for violating RCW 9.68A.100, 9.68A.101, or 9.68A.102, or a comparable
8 county or municipal ordinance shall be assessed a five thousand dollar
9 fee.

10 (b) The court may not reduce, waive, or suspend payment of all or
11 part of the fee assessed unless it finds, on the record, that the
12 person does not have the ability to pay in which case it may reduce the
13 fee by an amount up to two-thirds of the maximum allowable fee.

14 (c) When a minor has been adjudicated a juvenile offender or has
15 entered into a statutory or nonstatutory diversion agreement for an
16 offense which, if committed by an adult, would constitute a violation
17 of RCW 9.68A.100, 9.68A.101, or 9.68A.102, or a comparable county or
18 municipal ordinance, the court shall assess the fee under (a) of this
19 subsection. The court may not reduce, waive, or suspend payment of all
20 or part of the fee assessed unless it finds, on the record, that the
21 minor does not have the ability to pay the fee in which case it may
22 reduce the fee by an amount up to two-thirds of the maximum allowable
23 fee.

24 (2) Fees assessed under this section shall be collected by the
25 clerk of the court and remitted to the treasurer of the county where
26 the offense occurred for deposit in the county general fund, except in
27 cases in which the offense occurred in a city or town that provides for
28 its own law enforcement, in which case these amounts shall be remitted
29 to the treasurer of the city or town for deposit in the general fund of
30 the city or town. Revenue from the fees must be used for local efforts
31 to reduce the commercial sale of sex including, but not limited to,
32 increasing enforcement of commercial sex laws.

33 (a) At least fifty percent of the revenue from fees imposed under
34 this section must be spent on prevention, including education programs
35 for offenders, such as john school, and rehabilitative services for
36 victims, such as mental health and substance abuse counseling,
37 parenting skills, training, housing relief, education, vocational
38 training, drop-in centers, and employment counseling.

1 (b) Two percent of the revenue from fees imposed under this section
2 shall be remitted quarterly to the department of commerce, together
3 with a report detailing the fees assessed, the revenue received, and
4 how that revenue was spent.

5 (c) Revenues from these fees are not subject to the distribution
6 requirements under RCW 3.50.100, 3.62.020, 3.62.040, 10.82.070, or
7 35.20.220.

8 (3) For the purposes of this section:

9 (a) "Statutory or nonstatutory diversion agreement" means an
10 agreement under RCW 13.40.080 or any written agreement between a person
11 accused of an offense listed in subsection (1) of this section and a
12 court, county or city prosecutor, or designee thereof, whereby the
13 person agrees to fulfill certain conditions in lieu of prosecution.

14 (b) "Deferred sentence" means a sentence that will not be carried
15 out if the defendant meets certain requirements, such as complying with
16 the conditions of probation.

17 **Sec. 5.** RCW 9A.88.120 and 2012 c 134 s 3 are each amended to read
18 as follows:

19 (1)(a) In addition to penalties set forth in RCW 9A.88.010 and
20 9A.88.030, a person who is either convicted or given a deferred
21 sentence or a deferred prosecution or who has entered into a statutory
22 or nonstatutory diversion agreement as a result of an arrest for
23 violating RCW 9A.88.010, 9A.88.030, or comparable county or municipal
24 ordinances shall be assessed a fifty dollar fee.

25 (b) In addition to penalties set forth in RCW 9A.88.090, a person
26 who is either convicted or given a deferred sentence or a deferred
27 prosecution or who has entered into a statutory or nonstatutory
28 diversion agreement as a result of an arrest for violating RCW
29 9A.88.090 or comparable county or municipal ordinances shall be
30 assessed a fee in the amount of:

31 (i) One thousand five hundred dollars if the defendant has no prior
32 convictions, deferred sentences, deferred prosecutions, or statutory or
33 nonstatutory diversion agreements for this offense;

34 (ii) Two thousand five hundred dollars if the defendant has one
35 prior conviction, deferred sentence, deferred prosecution, or statutory
36 or nonstatutory diversion agreement for this offense; and

1 (iii) Five thousand dollars if the defendant has two or more prior
2 convictions, deferred sentences, deferred prosecutions, or statutory or
3 nonstatutory diversion agreements for this offense.

4 (c) In addition to penalties set forth in RCW 9A.88.110, a person
5 who is either convicted or given a deferred sentence or a deferred
6 prosecution or who has entered into a statutory or nonstatutory
7 diversion agreement as a result of an arrest for violating RCW
8 9A.88.110 or a comparable county or municipal ordinance shall be
9 assessed a fee in the amount of:

10 (i) One thousand five hundred dollars if the defendant has no prior
11 convictions, deferred sentences, deferred prosecutions, or statutory or
12 nonstatutory diversion agreements for this offense;

13 (ii) Two thousand five hundred dollars if the defendant has one
14 prior conviction, deferred sentence, deferred prosecution, or statutory
15 or nonstatutory diversion agreement for this offense; and

16 (iii) Five thousand dollars if the defendant has two or more prior
17 convictions, deferred sentences, deferred prosecutions, or statutory or
18 nonstatutory diversion agreements for this offense.

19 (d) In addition to penalties set forth in RCW 9A.88.070 and
20 9A.88.080, a person who is either convicted or given a deferred
21 sentence or a deferred prosecution or who has entered into a statutory
22 or nonstatutory diversion agreement as a result of an arrest for
23 violating RCW 9A.88.070, 9A.88.080, or comparable county or municipal
24 ordinances shall be assessed a fee in the amount of:

25 (i) Three thousand dollars if the defendant has no prior
26 convictions, deferred sentences, deferred prosecutions, or statutory or
27 nonstatutory diversion agreements for this offense;

28 (ii) Six thousand dollars if the defendant has one prior
29 conviction, deferred sentence, deferred prosecution, or statutory or
30 nonstatutory diversion agreement for this offense; and

31 (iii) Ten thousand dollars if the defendant has two or more prior
32 convictions, deferred sentences, deferred prosecutions, or statutory or
33 nonstatutory diversion agreements for this offense.

34 (2) When a minor has been adjudicated a juvenile offender or has
35 entered into a statutory or nonstatutory diversion agreement for an
36 offense which, if committed by an adult, would constitute a violation
37 under this chapter or comparable county or municipal ordinances, the

1 court shall assess the fee as specified under subsection (1) of this
2 section.

3 (3) The court shall not reduce, waive, or suspend payment of all or
4 part of the assessed fee in this section unless it finds, on the
5 record, that the offender does not have the ability to pay the fee in
6 which case it may reduce the fee by an amount up to two-thirds of the
7 maximum allowable fee.

8 (a) A superior court may, as described in RCW 9.94A.760, set a sum
9 that the offender is required to pay on a monthly basis towards
10 satisfying the fee imposed in this section.

11 (b) A district or municipal court may enter into a payment plan
12 with the defendant, in which the fee assessed in this section is paid
13 through scheduled periodic payments. The court may assess the
14 defendant a reasonable fee for administrative services related to the
15 operation of the payment plan.

16 (4) Fees assessed under this section shall be collected by the
17 clerk of the court and remitted to the treasurer of the county where
18 the offense occurred for deposit in the county general fund, except in
19 cases in which the offense occurred in a city or town that provides for
20 its own law enforcement, in which case these amounts shall be remitted
21 to the treasurer of the city or town for deposit in the general fund of
22 the city or town. Revenue from the fees must be used for local efforts
23 to reduce the commercial sale of sex including, but not limited to,
24 increasing enforcement of commercial sex laws.

25 (a) At least fifty percent of the revenue from fees imposed under
26 this section must be spent on prevention, including education programs
27 for offenders, such as john school, and rehabilitative services for
28 victims, such as mental health and substance abuse counseling,
29 parenting skills, training, housing relief, education, vocational
30 training, drop-in centers, and employment counseling.

31 (b) Two percent of the revenue from fees imposed under this section
32 shall be remitted quarterly to the department of commerce, together
33 with a report detailing the fees assessed, the revenue received, and
34 how that revenue was spent.

35 (c) Revenues from these fees are not subject to the distribution
36 requirements under RCW 3.50.100, 3.62.020, 3.62.040, 10.82.070, or
37 35.20.220.

38 (5) For the purposes of this section:

1 (a) "Statutory or nonstatutory diversion agreement" means an
2 agreement under RCW 13.40.080 or any written agreement between a person
3 accused of an offense listed in subsection (1) of this section and a
4 court, county, or city prosecutor, or designee thereof, whereby the
5 person agrees to fulfill certain conditions in lieu of prosecution.

6 (b) "Deferred sentence" means a sentence that will not be carried
7 out if the defendant meets certain requirements, such as complying with
8 the conditions of probation.

9 **Sec. 6.** RCW 9A.88.140 and 2010 c 289 s 12 are each amended to read
10 as follows:

11 (1)(a) Upon an arrest for a suspected violation of patronizing a
12 prostitute, promoting prostitution in the first degree, promoting
13 prostitution in the second degree, promoting travel for prostitution,
14 the arresting law enforcement officer may impound the person's vehicle
15 if (i) the motor vehicle was used in the commission of the crime; (ii)
16 the person arrested is the owner of the vehicle or the vehicle is a
17 rental car as defined in RCW 46.04.465; and (iii) either (A) the person
18 arrested has previously been convicted of one of the offenses listed in
19 this subsection or (B) the offense was committed within an area
20 designated under (b) of this subsection.

21 (b) A local governing authority may designate areas within which
22 vehicles are subject to impoundment under this section regardless of
23 whether the person arrested has previously been convicted of any of the
24 offenses listed in (a) of this subsection.

25 (i) The designation must be based on evidence indicating that the
26 area has a disproportionately higher number of arrests for the offenses
27 listed in (a) of this subsection as compared to other areas within the
28 same jurisdiction.

29 (ii) The local governing authority shall post signs at the
30 boundaries of the designated area to indicate that the area has been
31 designated under this subsection.

32 (2) Upon an arrest for a suspected violation of commercial sexual
33 abuse of a minor, promoting commercial sexual abuse of a minor, or
34 promoting travel for commercial sexual abuse of a minor, the arresting
35 law enforcement officer shall impound the person's vehicle if (a) the
36 motor vehicle was used in the commission of the crime; and (b) the

1 person arrested is the owner of the vehicle or the vehicle is a rental
2 car as defined in RCW 46.04.465.

3 (3) Impoundments performed under this section shall be in
4 accordance with chapter 46.55 RCW and the impoundment order must
5 clearly state "prostitution hold."

6 (4)(a) Prior to redeeming the impounded vehicle, and in addition to
7 all applicable impoundment, towing, and storage fees paid to the towing
8 company under chapter 46.55 RCW, the owner of the impounded vehicle
9 must pay a fine to the impounding agency. The fine shall be five
10 hundred dollars for the offenses specified in subsection (1) of this
11 section, or two thousand five hundred dollars for the offenses
12 specified in subsection (2) of this section. ~~((The fine shall be
13 deposited in the prostitution prevention and intervention account
14 established under RCW 43.63A.740-))~~

15 (b) Upon receipt of the fine paid under (a) of this subsection, the
16 impounding agency shall issue a written receipt to the owner of the
17 impounded vehicle.

18 (c) Fines assessed under this section shall be collected by the
19 clerk of the court and remitted to the treasurer of the county where
20 the offense occurred for deposit in the county general fund, except in
21 cases in which the offense occurred in a city or town that provides for
22 its own law enforcement, in which case these amounts shall be remitted
23 to the treasurer of the city or town for deposit in the general fund of
24 the city or town. Revenue from the fines must be used for local
25 efforts to reduce the commercial sale of sex including, but not limited
26 to, increasing enforcement of commercial sex laws.

27 (i) At least fifty percent of the revenue from fines imposed under
28 this section must be spent on prevention, including education programs
29 for offenders, such as john school, and rehabilitative services for
30 victims, such as mental health and substance abuse counseling,
31 parenting skills, training, housing relief, education, vocational
32 training, drop-in centers, and employment counseling.

33 (ii) Two percent of the revenue from fines imposed under this
34 section shall be remitted quarterly to the department of commerce,
35 together with a report detailing the fees assessed, the revenue
36 received, and how that revenue was spent.

37 (iii) Revenues from these fees are not subject to the distribution

1 requirements under RCW 3.50.100, 3.62.020, 3.62.040, 10.82.070, or
2 35.20.220.

3 (5)(a) In order to redeem a vehicle impounded under this section,
4 the owner must provide the towing company with the written receipt
5 issued under subsection (4)(b) of this section.

6 (b) The written receipt issued under subsection (4)(b) of this
7 section authorizes the towing company to release the impounded vehicle
8 upon payment of all impoundment, towing, and storage fees.

9 (c) A towing company that relies on a forged receipt to release a
10 vehicle impounded under this section is not liable to the impounding
11 authority for any unpaid fine under subsection (4)(a) of this section.

12 (6)(a) In any proceeding under chapter 46.55 RCW to contest the
13 validity of an impoundment under this section where the claimant
14 substantially prevails, the claimant is entitled to a full refund of
15 the impoundment, towing, and storage fees paid under chapter 46.55 RCW
16 and the five hundred dollar fine paid under subsection (4) of this
17 section.

18 (b) If the person is found not guilty at trial for a crime listed
19 under subsection (1) of this section, the person is entitled to a full
20 refund of the impoundment, towing, and storage fees paid under chapter
21 46.55 RCW and the fine paid under subsection (4) of this section.

22 (c) All refunds made under this section shall be paid by the
23 impounding agency.

24 (d) Prior to receiving any refund under this section, the claimant
25 must provide proof of payment.

26 NEW SECTION. Sec. 7. A new section is added to chapter 43.280 RCW
27 to read as follows:

28 (1) The department of commerce shall prepare and submit an annual
29 report to the legislature on the amount of revenue collected by local
30 jurisdictions under RCW 9.68A.105, 9A.88.120, or 9A.88.140 and the
31 expenditure of that revenue.

32 (2) Any funds remitted to the department of commerce pursuant to
33 RCW 9.68A.105, 9A.88.120, or 9A.88.140 shall be spent on the
34 fulfillment of the duties described in subsection (1) of this section.
35 Any remaining funds may be spent on the administration of grants for

1 services for victims of the commercial sex trade, consistent with this
2 chapter.

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